

## TIME REQUIRED FOR THIS ACTIVITY

60 Minutes

### GOALS OF THE ACTIVITY:

- 1) To assist court staff in identifying which records are public and which are not.
- 2) To assist court staff in providing exceptional customer service while complying with court rules.

### PREPARATION:

 You will need -

1. A copy of procedures / policies related to public / non-public files used in your Court.
2. An overhead of the quote on page 7 of the Participant Packet, (*Constitutional Principles & Self Representation*) or the quote rewritten on a blackboard or easel large enough for the group to see.

Serving The Self-Represented Litigant

## REVIEWING COURT POLICIES

Public / Non-Public Records



### ICEBREAKER:

 (*For a group of participants who may not be acquainted with each other.*)

Ask participants to go around the room and introduce themselves and share the best thing that happened to them during the last week

### INTRODUCTION:

 (*tailor as needed*)

**FACILITATOR:** “Citizens are entitled access to MOST court records. This is governed by Michigan Court Rule and also by Court Administrative Orders. Courts are NOT subject to the Freedom of Information Act, pursuant to MCL 15.232 (b) (v). It is important to know which records are available for access by the public and which are not. That is the topic for today’s session.”

### ACTIVITY:

1. Show overhead of “*Constitutional Principles...*” quote for group to read.
2. ASK: “What challenges does this present to us a court staff?” (*RESPONSE should refer to how to provide good customer service when court staff are, by law, required to keep some records confidential.*)
3. FACILITATOR: “Part of the challenge we have as court staff is to be clear on which records are confidential and which are public. Let’s look at the sheet ‘*Non-Public Records*’.”
4. REVIEW EACH ITEM. After each item, ensure that court staff are clear as to how each type of non-public file is marked / designated / stored, etc., in your court.
5. WHAT SHOULD YOU DO IF YOU ARE UNSURE IF A FILE IS PUBLIC?  
(*Discuss your court’s procedures*)
6. FACILITATOR: “What questions do you have?”

### CONCLUSION:

**FACILITATOR:** “Thank you for participating today. I hope the information we have discussed helps clarify for you which records are public and which records are non-public and what to do if you are unsure of their designation.”

# NON-PUBLIC RECORDS

## CONTROLLED SUBSTANCE ACT CASES UNDER MCL 333.7411

Probation of individual with no previous conviction; entering adjudication of guilt upon violation of probation; discharge and dismissal without adjudication of guilt; **nonpublic record** of arrest and discharge and dismissal; effect of civil fine for first violation; requiring individual to attend course of instruction or rehabilitation program; failure to complete instruction or program as violation of probation; screening and assessment; participation in rehabilitative programs; payment of costs; failure to complete program as violation of probation.

*Notes pertaining to such files in our Court:*

## SPOUSE ABUSE ACT CASES UNDER MCL 769.4A

Assault on spouse, former spouse, individual with child in common, or household resident; plea or finding of guilty; deferral of proceedings and order of probation; previous convictions; adjudication of guilt upon violation of probation; mandatory counseling program; costs; circumstances for entering adjudication of guilt; discharge and dismissal; limitation; **nonpublic record**.

*Notes pertaining to such files in our Court:*

## HOLMES YOUTHFUL TRAINEE ACT CASES UNDER MCL 762.14

Discharge of individual and dismissal of proceedings upon final release; assignment as youthful trainee not conviction; compliance with sex offenders registration; proceedings **closed to public inspection**; inspection by courts, state departments, and law enforcement personnel.

*Notes pertaining to such files in our Court:*

## SETTING ASIDE CONVICTIONS CASES UNDER MCL 780.623

Sending copy of order to arresting agency and department of state police retention and availability of **nonpublic record** of order and other records; providing copy of nonpublic record to person whose conviction set aside; fee; nonpublic record exempt from disclosure; prohibited conduct; misdemeanor; penalty.

*Notes pertaining to such files in our Court:*

## PROBATION DEPARTMENT FILES including pre-sentence investigation and alcohol assessment reports

*Notes pertaining to such files in our Court:*

## CRIMINAL HISTORY RECORDS W/ NON-CONVICTION DATA

*Notes pertaining to such files in our Court:*

## SUPPRESSED SEARCH WARRANT during period of suppression.

*Notes pertaining to such files in our Court:*

## OTHER: